

Neifeld Docket No: DEATON-18-USC1

Application/Patent No: 08/935,116

USPTO CONFIRMATION NO: 8230

File/Issue Date: 9/22/1997

Inventor/Title: DEATON/System, Method and Database for Processing Transactions

Examiner/ArtUnit: ALVAREZ, Raquel/3622

ENTITY STATUS: LARGE

PRIORITY CLAIM - FIRST SENTENCE OF SPECIFICATION: This application is a continuation of pending U.S. Application Serial No. 08/117,951 filed August 30, 1993 by David W. Deaton and Robert S. Wood entitled "Check Transaction Processing Method and System," pending; which is a continuation of U.S. Application Serial No. 07/826,255 filed January 24, 1992 by David W. Deaton and Robert S. Wood entitled "Check Transaction Processing Method and System," abandoned; which is a continuation of U.S. Application Serial No. 07/345,475 filed May 1, 1989 by David W. Deaton and Robert S. Wood entitled "Check Transaction Processing Method and System," abandoned."

**37 CFR 1.7(c) FILING RECEIPT AND TRANSMITTAL LETTER WITH
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

1. **THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES WHICH MAY BE REQUIRED, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NUMBER 50-2106.**

2. **FEES (PAID HEREWITH BY INSTRUCTION TO CHARGE DEPOSIT
ACCOUNT 50-2106: \$0**

A. **CLAIMS FEES**

\$ - (claims previously paid for; currently present; \$52 per addl. claim over 20.)

\$ - (independent previously paid for; currently present; \$220 per addl. claim over 3)

B. **OTHER FEES**

3. **THE FOLLOWING DOCUMENTS ARE SUBMITTED HEREWITH:**

37 CFR 41.41 REPLY BRIEF

4. **FOR INTERNAL NEIFELD IP LAW, PC USE ONLY**

USPTO CHARGES \$: CLIENT BILLING MATTER: DEATON/18-US BANK ACCOUNT/Check: 3/ G/L ACCOUNT: 5010	FIRM CHARGES \$: DESCRIPTION: FIRM CHARGE FOR paying a gov. fee. for increase in appeal fees LAWYER: RAN
---	--

INITIALS OF PERSON WHO **ENTERED** ACCOUNTING DATA: RAN

ATTORNEY SIGNATURE (AUTHORIZING DEPOSIT ACCOUNT)

DATE: 8-14-2009

SIGNATURE: /RichardNeifeld#35,299/

PRINTED NAME: RICHARD NEIFELD, REG. NO. 35,299

RAN

Printed: August 14, 2009 (7:12pm)

Y:\Clients\Catalina\DEATON\DEATON-18\DEATON-18-USC1\Drafts\ReplyBrief_DEATON-18-USC1_8-14-2009.wpd

PRIORITY CLAIM - FIRST SENTENCE OF SPECIFICATION: This application is a continuation of pending U.S. Application Serial No. 08/117,951 filed August 30, 1993 by David W. Deaton and Robert S. Wood entitled "Check Transaction Processing Method and System," pending; which is a continuation of U.S. Application Serial No. 07/826,255 filed January 24, 1992 by David W. Deaton and Robert S. Wood entitled "Check Transaction Processing Method and System," abandoned; which is a continuation of U.S. Application Serial No. 07/345,475 filed May 1, 1989 by David W. Deaton and Robert S. Wood entitled "Check Transaction Processing Method and System," abandoned."

37 CFR 41.41 REPLY BRIEF

The gist of the answer at pages 6 and 7 is that data stored on Nichtberger's disclosed customer card corresponds to the claimed database. That conclusion is logically flawed because it would require one customer's card to store data for transactions from other customers, from multiple customer, not just the customer owning the card. Specifically, claim 8 recites in pertinent part "a memory responsive to said terminal and said means allowing entry for creating a database for a plurality of the store's customers' transaction data from prior shopping visits, such that data regarding individual customer's prior transactions are stored in association with said individual customer's unique identification code;" Hence, the memory for creating a database stores data for plural customers. The examiner's correspondence would require one customer's card having the memory storing that database. Nichtberger does not disclose that concept.

Nothing suggests that concept, since no one would suggest giving some customer control of the transaction data for other unrelated customers.

At answer page 7 lines 5-8, the examiner corresponds the customer identifying themselves at the POS with the claimed "customer information response signal." The examiner errs by failing to consider claim 8's limitations on such a signal, specifically claim 8's limitations that the customer information response signal is generated by circuitry responsive in part to the memory and the database. (circuitry responsive to said processor, memory, and database"). Nichtberger's the customer's card is not the memory or database storing the multi customer database, as noted above. Accordingly, any signal obtained at the POS in Nichtberger in response to a customer presenting a customer card at the POS, cannot respond to the claim limitations. Therefore, the examiner's correspondence of elements fails.

The answer pages 8 and 9 responds to the appellants objections to official notice. There, the answer cites Nichtberger col. 18 lines 20-41 for disclosing storing transaction information and buying habits. However, the answer pages 8 and 9 fails to address the fundamental fact that Claim 17 defines depending a customer information response signal on the "dollar amount," not whether the prior art suggested a particular database or storing various types datum of transaction data.

Date: 8-14-2009

/RichardNeifeld#35,299/

RICHARD NEIFELD, REG. NO. 35,299

ATTORNEY OF RECORD

RAN

Printed: August 14, 2009 (7:12pm)

Y:\Clients\Catalina\DEATON\DEATON-18\DEATON-18-USC1\Drafts\ReplyBrief_DEATON-18-USC1_8-14-2009.wpd